

JUN 21 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	) Examiner: Not Assigned
Richard EMBERTON and Richard Bernard WRIGHT	) Art Unit: Not Assigned
Serial No.: 10/510,196	) Confirmation No.: 6374
Filed: September 28, 2005	) Customer No.: 22430
Title: METHODS AND SYSTEMS FOR NON- INTERRUPTING NOTIFICATIONS	) <u>PETITION UNDER 37 CFR</u> <u>\$1.47(a)</u>
Atty. Docket No.: ORCL5800	)

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this document and the documents referred to herein are being facsimile transmitted to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, fax no. 703-872-9306, on June 21, 2005.

*Nita J. Miller*  
Nita J. Miller

RECEIVED

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

3 JAN 2006

Dear Sir:

Legal Staff  
International Division

Applicants hereby request an Extension for Response Within First Month from May 21, 2005, to June 21, 2005. Applicants hereby Petition Under 37 C.F.R. §1.47(a), for the acceptance of this application being made by Richard Bernard Wright on behalf of himself and Richard Emberton, who cannot be reached after diligent effort. Proof of the pertinent facts may be found in the attached *Affidavit by Nita Miller in Support of Petition Under 37 CFR §1.47(a)*. The last known address of the non-signing inventor is 109 2<sup>nd</sup> St. South, Kirkland, WA 98033.

Payment of Fees

Surcharge for Missing Oath or Declaration	Fee Code 1051	\$130.00
Extension of Time for Response Within First Month	Fee Code 1251	\$120.00
Petitions Requiring the Petitions Fee Under 1.17(g)	Fee Code 1463	<u>\$200.00</u>
<b>TOTAL FEES DUE</b>		<b>\$450.00</b>

The Commissioner is hereby authorized to charge the total fees due in the amount of \$450, to Deposit Account No. 15-0635, referencing OID-2002-063-01. A duplicate copy of this sheet is attached.

Respectfully submitted,

06/27/2005 LLANDGRA 00000045 150635 10510196

02 FC:1251

Date: June 21, 2005By: 

Alan W. Young  
Registration No. 37,970

YOUNG LAW FIRM, P.C.  
4370 Alpine Rd., Ste. 106  
Portola Valley, CA 94028  
Tel.: (650) 851-7210  
Fax: (650) 851-7232

BEST AVAILABLE COPY

Rec'd PTO 21 JUN 2005 06

RECEIVED  
CENTRAL FAX CENTER

JUN 21 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	)	Examiner: Not Assigned
Richard EMBERTON and	)	
Richard Bernard WRIGHT	)	Art Unit: Not Assigned
	)	
Serial No.: 10/510,196	)	Confirmation No.: 6374
	)	
Filed: September 28, 2005	)	Customer No.: 22430
	)	
Title: METHODS AND SYSTEMS	)	
FOR NON-INTERRUPTING	)	<u>AFFIDAVIT OF NITA MILLER IN</u>
NOTIFICATIONS	)	<u>SUPPORT OF PETITION UNDER 37</u>
	)	<u>CFR 81.47(a)</u>
Atty. Docket No.: ORCL5800	)	

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this document and the documents referred to herein are being facsimile transmitted to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, fax no. 703-872-9306, on June 21, 2005.

*Nita Miller*  
Nita J. Miller

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Nita Miller, hereby declare the following:

1. I am a consultant and have been working with Alan Young of Young Law Firm, P.C. since November 2003.
2. My responsibilities at Young Law Firm P.C. are primarily administrative and include preparing and sending formal documents to inventors for execution.
3. On September 13, 2004, I sent a letter to Richard Emberton (see attached Exhibit A) by Priority Mail of the United States Postal Service (see attached Exhibit B) together with a copy of the subject application and a Declaration for execution.

06/27/2005 LLANDGRA 00000045 150635 10510196

03 FC:1463

200.00 DA

1

OID-2002-063-01

Serial No. 10/510,196  
Atty. Docket No. ORCL5800

BEST AVAILABLE COPY

4. On September 29, 2005, just one day after the subject application was filed, I received the executed Declaration from Richard Emberton (see attached Exhibit C), however, the document did not identify the application by serial number and filing date and, therefore, needed to be revised and re-executed.
5. On March 30, 2005, I sent another letter to Richard Emberton (see attached Exhibit D) by Certified Mail of the United States Postal Service (see attached Exhibit E) together with a copy of the application as filed and a revised Declaration for execution. As indicated on the attached receipt, this package was delivered and signed for by Richard Emberton on April 28, 2005, however, the executed documents were never returned.
6. On May 16, 2005, I sent another letter to Richard Emberton (see attached Exhibit F) by Express Mail of the United States Postal Services (see attached Exhibit G) and by Federal Express (see attached Exhibit H) together with a copy of the application as filed and a Declaration for execution. Once, again the executed document was never returned.
7. On March 30, 2005, and May 16, 2005, I attempted to locate a telephone number for Richard Emberton by calling information and by conducting an online search, both to no avail.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 21, 2005

By: Nita J. Miller  
Nita J. Miller

EXHIBIT A

YOUNG LAW FIRM  
A Professional Corporation

PATENT, TRADEMARK AND COPYRIGHT LAW

ALAN W. YOUNG  
Registered Patent Attorney  
Admitted in California and Virginia

September 13, 2004

**URGENT**Richard Emberton  
109 2<sup>nd</sup> St. South, #238  
Kirkland, WA 98033

Re: **United States National Phase Entry of METHODS AND  
SYSTEMS FOR NON-INTERRUPTING NOTIFICATIONS**  
Inventors: **Richard Emberton and Richard Bernard Wright**  
Oracle Ref.: **OID-2002-063-01**  
Our Ref.: **ORCL5800**

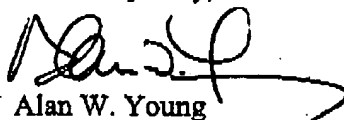
Dear Mr. Emberton:

Enclosed for your signature are a *DECLARATION FOR PATENT APPLICATION* and an *ASSIGNMENT* to be filed with the United States National Phase Entry of the above-referenced patent application.

Please sign and date each of the documents where indicated and return them to us by **September 27, 2004**.

Thank you for your assistance in this matter. Should you have any questions, please feel free to contact our office.

Yours very truly,

  
Alan W. YoungAWY:njm  
Enclosures

4370 ALPINE ROAD, SUITE 106 PORTOLA VALLEY CALIFORNIA 94028

TELEPHONE 650-851-7210 FACSIMILE 650-851-7232 EMAIL alan@younglawfirm.com

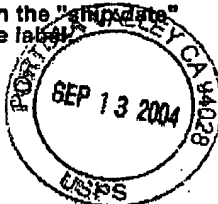
\\Ylfserver\YLF\CLIENTS\ORCL\5800 (OID-2002-063-01)\5800 EMBERTON.LTR.doc

**BEST AVAILABLE COPY**

Cut on dotted line.

**Instructions**

1. Adhere shipping label to package with tape or glue -- **DO NOT TAPE OVER BARCODE**. Be sure all edges are secure. Self-adhesive label is recommended.
2. Place label so it does not wrap around the edge of the package.
3. Affix Priority Mail postage. There is no extra fee for Delivery Confirmation™ service.
4. Stamped packages weighing 16 ounces or more may not be placed in Postal Service collection boxes. For information on pickup options, go to the Pickup Page at [www.usps.com/shipping/pickup.htm](http://www.usps.com/shipping/pickup.htm)
5. Each shipping label number is unique and can be used only once -- **DO NOT PHOTOCOPY**.
6. Please use this shipping label on the "ship date" selected when you requested the label.



Thank you for shipping with the United States Postal Service!  
Check the status of your shipment on the Track & Confirm page at [www.usps.com](http://www.usps.com)

**Online Label Record (Label 1 of 1)**

Delivery Confirmation™ Number:

**0103 8555 7493 1222 6933**

Priority Mail® service

Print Date: 09/13/2004

Ship Date: 09/13/2004

Weight: 0 lb 2 oz ~ Not Paid Online

Electronic Rate Delivery Confirmation Fee: NONE

From: ALAN W YOUNG  
YOUNG LAW FIRM, P.C.  
4370 ALPINE RD STE 108  
PORTOLA VALLEY CA 94028-7927

To: RICHARD EMBERTON  
APT 238  
109 2ND ST S  
KIRKLAND WA 98033-6587

\* Regular Priority Mail service postage rates apply. There is no fee for Delivery Confirmation service on Priority Mail service with use of this electronic rate shipping label. Delivery information is not available by phone for the electronic rate.

YOUNG LAW FIRM  
A Professional Corporation

PATENT, TRADEMARK AND COPYRIGHT LAW

ALAN W. YOUNG  
Registered Patent Attorney  
Admitted in California and Virginia

March 30, 2005

**By Priority Mail**

Richard Emberton  
109 2<sup>nd</sup> St. South, #238  
Kirkland, WA 98033

**Re: United States National Phase Entry of METHODS AND  
SYSTEMS FOR NON-INTERRUPTING NOTIFICATIONS  
Inventors: Richard Emberton and Richard Bernard Wright  
Serial No.: 10/510, 196  
Oracle Ref.: OID-2002-063-01  
Our Ref.: ORCL5800**

Dear Mr. Emberton:

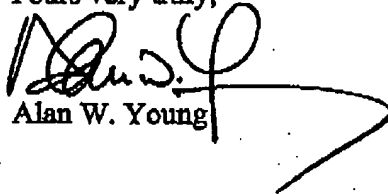
Enclosed for your signature are a *DECLARATION FOR PATENT APPLICATION* and an *ASSIGNMENT* to be filed in the United States Patent and Trademark Office in connection with the United States National Phase Entry of the above-referenced patent application.

The previous documents that you signed were improper because we filed the application prior to receiving the signed documents. Any documents filed after the initial filing date must reference the application by serial number and filing date.

We apologize for the inconvenience and would greatly appreciate it if you would please sign and date the enclosed documents and return them to us in the enclosed self-addressed, postage prepaid envelope prior to the deadline of May 1, 2005.

Thank you for your assistance in this matter. Should you have any questions, please feel free to contact our office.

Yours very truly,

  
Alan W. Young

AWY:njm  
Enclosure

4370 ALPINE ROAD, SUITE 106 PORTOLA VALLEY CALIFORNIA 94028

TELEPHONE 650-851-7210 FACSIMILE 650-851-7232 EMAIL alan@younglawfirm.com

\\Ylfserver\yif\CLIENTS\ORCL\5800 (OID-2002-063-01)\5800 EMBERTON.LTR.doc

## EXHIBIT E

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article(s) sent to:  <i>Richard Emberton</i>  <i>109 1st St South, # 238</i>  <i>Kirkland, WA 98033</i></p>		<p>B. Received by (Printed Name)  C. Date of Delivery  <i>4/28/05</i></p>	
<p>2. Article Number  (Transfer from service label)  <i>7003 0500 0002 9395 8503</i></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No  If YES, enter delivery address below:</p>	
<p>PS Form 3811, August 2001</p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail  A. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>Domestic Return Receipt</p>		<p><b>RECEIVED</b>  MAY 02 2005  YOUNG LAW FIRM, PC</p>	

YOUNG LAW FIRM  
A Professional Corporation

PATENT, TRADEMARK AND COPYRIGHT LAW

ALAN W. YOUNG  
Registered Patent Attorney  
Admitted In California and Virginia

May 16, 2005

**By Express Mail and Federal Express**  
**EO 909 450 032 US and 7916 2691 6791**Richard Emberton  
109 2<sup>nd</sup> St. South, #238  
Kirkland, WA 98033

**Re: United States and Canadian National Phase Entry of METHODS AND  
SYSTEMS FOR NON-INTERRUPTING NOTIFICATIONS**  
**Inventors: Richard Emberton and Richard Bernard Wright**  
**Serial No.: 10/510, 196 (US) and 2,480,078 (CA)**  
**Oracle Ref.: OID-2002-063-01 and OID-2002-063-01-CA**  
**Our Ref.: ORCL5800P-US and ORCL5800P-CA**

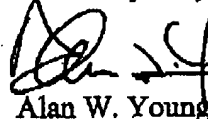
Dear Mr. Emberton:

We have not yet received the signed documents that were forwarded to you for signature on March 30, 2005, and April 25, 2005. Enclosed herewith for your signature are additional copies of the *DECLARATION FOR PATENT APPLICATION*, and *ASSIGNMENT* in connection with the U.S. National Phase, an *ASSIGNMENT* in connection with the Canadian National Phase. Also enclosed is a copy of priority *International Patent Application No. PCT/US03/10099*, and a copy of the *Preliminary Amendment* as filed in the United States Patent and Trademark Office.

Please sign and date the documents where indicated and return them to us by facsimile, if possible, and forward the originals by regular mail. Please note that time is of the essence as the documents are due to be filed by May 21, 2005.

If you have any questions or if you have decided not to sign these documents, we ask that you kindly contact us and let us know so that we may proceed to file the appropriate paperwork. Thank you for your assistance in this matter.

Yours very truly,

  
Alan W. YoungAWY:njm  
Enclosures



4370 ALPINE ROAD, SUITE 106 PORTOLA VALLEY CALIFORNIA 94028

TELEPHONE 650-851-7210 FACSIMILE 650-851-7232 EMAIL alan@younglawfirm.com

\\YIserver\yif\CLIENTS\ORCL5800 (OID-2002-063-01)\5800 EMBERTON2.LTR.doc



Use Express Mail packaging or stickers. Securely affix label to mail piece. Do not tape over barcode or "Postal Use Only" section. This Online Label and Online Record must be presented to Postal personnel for acceptance processing to receive the service guarantee and be eligible for a service related refund. This completed and round-dated Online Record must be submitted with refund application.

EXPRESS MAIL		CUSTOMER Online Record		DO NOT MAIL	
UNITED STATES POSTAL SERVICE ®					
ORIGINAL POSTAL USE ONLY					
PO ZIP Code 94028	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input checked="" type="checkbox"/>		 <b>EO 909 450 032 US</b> <input type="checkbox"/> <b>WAIVER OF SIGNATURE</b> (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.	
Date In Mon 5 16 05 Year	<input type="checkbox"/> 12 NOON <input type="checkbox"/> 3 PM	Postage \$13.65			
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Address to PO Box <input type="checkbox"/>	Return Receipt Fee			
Weight lbs 0 oz 7	Contents Value	COD Fee	Ins. Fee		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials NS	Total Postage & Fees \$13.65		Mailer's Signature _____	
CUSTOMER INFORMATION					
FROM: <span style="float: right;">PHONE 650-851-7210</span> ALAN W YOUNG YOUNG LAW FIRM, P.C. 4370 ALPINE RD STE 106 PORTOLA VALLEY CA 94028-7927					
<span style="float: right;">PHONE _____</span> RICHARD EMBERTON 109 2ND ST S APT 238 KIRKLAND WA 98033-6587					
					
OF CYCLES OF THE ONLINE MAIL FROM 22-16					

**USPS Employee:** For service failure refunds, follow existing refund procedures. Attach the Customer Online Record to the PS Form 3533 and send copies of both to the Express Mail Office for recording.

From: Origin ID: (650)851-7210  
 Alan Young  
 YOUNG LAW FIRM, P.C.  
 4370 ALPINE ROAD, SUITE 108  
 PORTOLA VALLEY, CA 94028

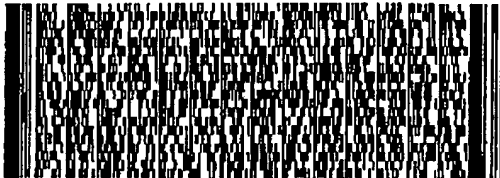


CLB 02296406/98

SHIP TO: (650)851-7210 BILL SENDER  
 Richard Emberton

109 2nd Street South, #238

Kirkland, WA 98033



Ship Date: 17MAY05  
 Actual Wgt: 1 LB  
 System#: 3294996/INET2000  
 Account#: S \*\*\*\*\*

REF: ORCL5800



Delivery Address Bar Code

STANDARD OVERNIGHT

WED

Deliver By:  
 18MAY05

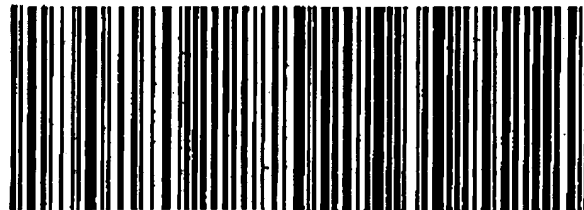
TRK# 7916 2691 6791

FORM  
 0201

SEA AA

98033 -WA-US  
 RES

WV OTSA



Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.